SB Civil Writ. Petition No.2669/2006

Date of Order: 21st July, 2006.

PRESENT

HON'BLE MR.JUSTICE BHAGWATI PRASAD

Mr.Rameshwar Chauhan for the petitioner/s.

Heard.

The question raised in this writ petition is that the learned trial court has dismissed the application under Order 7 Rule 11 CPC and has refused to try the question of court fees as a preliminary issue.

Having heard the learned counsel, this Court feels that issue of Court Fee is a legal issue which is covered by Order 7 Rule 11 CPC which has to be decided as a preliminary issue. The trial court will not proceed with the trial until the decision of issue No.7 and will decide issue No.7 as a preliminary issue. If the opposite party has any thing to say in the matter, it will approach the court with an application. The writ petition is disposed off accordingly.

(BHAGWATI PRASAD), J.

L.George